THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.385 OF 2006

ORAL ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents to implement the order of the 1st respondent dated 8.10.2004. It is stated that under the order dated 8.10.2004, the 1st respondent had compounded the case registered against the petitioner for Rs.15,000/- and directed the Prohibition & Excise Superintendent, Chittoor, to collect the said amount and to restore the licence. It is alleged by the petitioner that in spite of the said order, the respondents did not receive the compounding fees and that the licence has not yet been restored.

A counter-affidavit has been filed on behalf of respondents, stating that the petitioner has not remitted the compounding fees as levied by the 1st respondent in the order dated 8.10.2004. It is also stated that as a matter of fact, the period of licence itself expired on 30.9.2004 and even prior to that the licence was under suspension with effect from 23.8.2004. It is further stated that the 1st respondent vide proceedings dated 16.10.2004 kept the earlier proceedings dated 8.10.2004 in abeyance until further orders. In view of the said abeyance order, and particularly keeping in view that the licence itself stood expired, the proceedings of the 1st respondent dated 8.10.2006 could not be implemented.

The learned Government Pleader for Prohibition & Excise across the bar submitted that the order dated 8.10.2004 said to have been passed by the 1st respondent keeping the earlier order in abeyance has not been communicated to the petitioner.

In the circumstances, the writ of *mandamus* as prayed for cannot be issued and the writ petition is disposed of with a direction to the 1st respondent to communicate the order dated 16.10.2004 to the petitioner, and granting liberty to the petitioner to challenge the said

proceedings by working out the appropriate remedy as available under law, if he so advised.

The writ petition is accordingly disposed of. No costs.

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(G. ROHINI, J.)

2nd November, 2006.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.385 OF 2006

2nd November, 2006.

Between:

M/s High Way Wines,
represented by its Licensee
M. Ravi Kumar. .. Petitioner.

And

The Commissioner of Prohibition and Excise,
Nampally, Hyderabad and another. .. Respondents.